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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,955	02/02/2001	James J. Kobe	56215USA3A.002	1528

32692 7590 01/29/2003

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/775,955

Applicant(s)
Kobe et al.

Examiner
Nasser Ahmad

Art Unit
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 54, 55, and 58-66 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16-33, 54, 55, and 58-66 is/are rejected.
- 7) ☒ Claim(s) 10-15 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 1772

1. Claims 1-9, 16-21 and 58-66 are rejected under 35 U.S.C. 103 as being unpatentable over Collins in view of Shaw for reasons of record in Paper No. 5, paragraph 7, mailed on July 9, 2002.
2. Applicant's arguments filed October 15, 2002 have been fully considered but they are not persuasive. Applicant argues that neither Collins nor Shaw teaches that the article is exposed to e-beam radiation through the second side of the liner to cross-link the adhesive. This is not deemed to be persuasive because the step of exposing the article to e-beam is directed to a process step of making the product. This process step is not found to be germane to the issue of patentability of the product itself and hence, has not been given patentable weight. Additionally, independent claims 1, 2, 58 and 63 fails to recite that the e-beam crosslinks the adhesive as alleged.
3. In addition, the following are new grounds of rejection.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 26-33, 54, 55 and 58-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent abstract of Japan volume 2000, No. 15, April 6, 2001 (Japan 2000 volume 345113 A; December 12, 2000, abs) in view of Collins (5,847,649).

The Patent Abstract relates to an adhesive article comprising an e-beam curing-type pressure sensitive adhesive formed on a release liner. The adhesive powers on

Art Unit: 1772

opposite surface are different based on e-beam irradiation. However, the Patent Abstract fails to teach that the article is in a roll form. Collins discloses an adhesive article in a roll form wherein the liner is polyester (col. 3, lines 10-11). The release value of the liner on the tight side can be about 60 g/cm and easy side can be about 50-175 g/cm (col. 4, lines 3-11). Collins teaches the advantage of using the article in a roll form for facilitating transportation and storages of said article. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Collins' teaching of providing the article in a roll form in the invention of the Patent Abstract (volume 2000)>

6. Claims 10-16 are free of the prior art uncovered so far for reasons of record in Paper No. 5, paragraph 8.


7. Any inquiry concerning this communication from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can generally be reached on Monday-Thursday from 7:30 a.m. to 5 p.m. and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application is (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

Art Unit: 1772

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

N. Ahmad/dh
January 29, 2003


NASSER AHMAD
PRIMARY EXAMINER